



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5155

Introduced 1/29/2010, by Rep. Jack McGuire

SYNOPSIS AS INTRODUCED:

New Act

Creates the Employer Religious or Mandatory Workplace Meeting Act. Prohibits an employer from requiring an employee to attend an employer-sponsored meeting or participate in communication for the purpose of communicating the employer's opinion about religious or political matters. Prohibits an employer from taking or threatening any adverse employment action against an employee as a means of requiring an employee to attend such a meeting or participate in such communication or because the employee makes a good faith report of a violation or a suspected violation. Authorizes civil actions by aggrieved employees and provides for relief. Requires an employer to post notices of employee rights under the Act. Sets forth certain exceptions.

LRB096 18855 RLC 35314 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Employer Religious or Mandatory Workplace Meeting Act.

6 Section 5. Definitions. As used in this Act:

7 "Constituent group" includes, but is not limited to, civic
8 associations, community groups, social clubs, and mutual
9 benefit alliances, including labor organizations.

10 "Employee" means an individual engaged in service to an
11 employer in a business of the employer.

12 "Employer" includes:

13 (1) a person engaged in business that has employees;
14 and

15 (2) a public body, as defined in Section 2 of the
16 Freedom of Information Act.

17 "Labor organization" means an organization that exists for
18 the purpose, in whole or in part, of collective bargaining, of
19 dealing with employers concerning grievances, terms or
20 conditions of employment or of other mutual aid or protection
21 in connection with employment.

22 "Political matters" includes political party affiliation,
23 campaigns for legislation or candidates for political office,

1 and the decision to join, not join, support, or not support any
2 lawful political or constituent group or activity.

3 "Religious matters" includes religious affiliation or the
4 decision to join, not join, support, or not support a bona fide
5 religious organization.

6 Section 10. Prohibitions; relief; notice; exceptions.

7 (a) An employer or the employer's agent, representative, or
8 designee may not require an employee to attend any
9 employer-sponsored meeting or participate in any communication
10 with the employer or the employer's agent, representative, or
11 designee if the purpose of the meeting or communication is to
12 communicate the employer's opinion about religious or
13 political matters.

14 (b) An employer or the employer's agent, representative, or
15 designee may not discharge, discipline, or otherwise penalize
16 or threaten to discharge, discipline, or otherwise penalize or
17 take any adverse employment action against an employee:

18 (1) as a means of requiring an employee to attend a
19 meeting or participate in communications described in
20 subsection (a) of this Section; or

21 (2) because the employee, or a person acting on behalf
22 of the employee, makes a good faith report, orally or in
23 writing, of a violation or a suspected violation of this
24 Act. This paragraph does not apply if the employee knows
25 that the report is false.

1 (c) An aggrieved employee may bring a civil action to
2 enforce this Act no later than 90 days after the date of the
3 alleged violation in the circuit court in the county where the
4 violation is alleged to have occurred or where the employer has
5 its principal office. The court may award a prevailing employee
6 all appropriate relief, including injunctive relief, rehiring,
7 or reinstatement of the employee to the employee's former
8 position or an equivalent position, back pay and
9 reestablishment of any employee benefits, including seniority,
10 to which the employee would otherwise have been eligible if the
11 violation had not occurred and any other appropriate relief as
12 deemed necessary by the court to make the employee whole. The
13 court shall award a prevailing employee treble damages,
14 together with reasonable attorney's fees and costs.

15 (d) An employer subject to this Act shall post a notice of
16 employee rights under this Act in a place normally reserved for
17 employment-related notices and in a place commonly frequented
18 by employees.

19 (e) This Act does not:

20 (1) limit an employee's right to bring a common law
21 action against an employer for wrongful termination;

22 (2) diminish or impair the rights of a person under a
23 collective bargaining agreement;

24 (3) prohibit a religious organization from requiring
25 its employees to attend an employer-sponsored meeting or
26 participate in any communication with the employer or its

1 agent, representative, or designee for the primary purpose
2 of communicating the employer's religious beliefs,
3 practices or tenets;

4 (4) prohibit a political organization, including
5 political parties and other organizations that engage, in
6 substantial part, in political activities, from requiring
7 its employees to attend an employer-sponsored meeting or
8 participate in any communication with the employer or its
9 agent, representative, or designee for the primary purpose
10 of communicating the employer's political tenets or
11 purposes;

12 (5) prohibit communications of information about
13 religious or political matters that the employer is
14 required by law to communicate, but only to the extent of
15 the legal requirement; or

16 (6) prohibit meetings of an employer's executive or
17 administrative personnel to discuss issues related to the
18 employer's business.